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**OFFICE OF PETITIONS**

In re Application of :  
Kenneth J. Molee :  
Application No. 09/970,673 :  
Filed: October 5, 2001 :  
Attorney Docket No. 53394.000525 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 2004, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed October 20, 2003, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the-above-identified application became abandoned on January 21, 2004. See MPEP 1215.04.

The application file is being forwarded to Technology Center AU 3761, for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy